

ORDINANCE COMMITTEE

A G E N D A

TOWN OF CHINCOTEAGUE

October 8, 2009 - 5:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

ROLL CALL

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADOPTION:

1. Possible Change in the Parks and Recreation Ordinance
2. Committee Member Comments

ADJOURN:

Chapter 42

PARKS AND RECREATION*

Article I. In General

Secs. 42-1—42-25. Reserved.

Article II. ~~Veterans Memorial Park~~ Regulations

Sec. 42-26.	Authority.
Sec. 42-27.	Compliance required.
Sec. 42-28.	Penalty for violation.
Sec. 42-29.	Rules and regulations.

***Charter references**—Parks, playgrounds, etc., ch. 2, § 1(15), (16); town plan, ch. 3.

Cross references—Environment, ch. 22; streets, sidewalks and other public places, ch. 50; vegetation, ch. 66; waterways, ch. 70; recreational park, app. A, § 2.136.

State Law references—Swimming pools, lakes and other waters, Code of Virginia, § 15.2-1110; local parks, recreation facilities and playgrounds, Code of Virginia, § 15.2-1806 et seq.; Public Recreational Facilities Authorities Act, Code of Virginia, § 15.2-5600 et seq.; Park Authorities Act, Code of Virginia, § 15.2-5700 et seq.

ARTICLE I. IN GENERAL

Secs. 42-1—42-25. Reserved.

ARTICLE II. ~~VETERANS MEMORIAL PARK~~ REGULATIONS

Sec. 42-26. Authority.

This article is adopted pursuant to the authorities contained, among other things, in Charter chapter 2, section 1(9), (15), (21), (22), (41), (44), (48), (49), (50) and (71) and Code of Virginia, § § 4.1-128 and 15.2-1102.

(Code 1977, § 16-7; Ord. of 11-7-1991)

Sec. 42-27. Compliance required.

All persons using the town-owned recreational facilities, ~~Veterans Memorial Park~~, shall fully comply with all rules and regulations provided for in this article or as the rules and regulations may be amended from time to time. It shall be unlawful for any person to violate any such rule or regulation set forth in this article or any section of this article.

(Code 1977, § 16-3)

Sec. 42-28. Penalty for violation.

Any person violating any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished by confinement in jail for not more than 12 months and a fine of not more than \$500.00, either or both, except as may be otherwise specifically provided under this article.

(Code 1977, § 16-5)

Sec. 42-29. Rules and regulations.

- (a) The following rules and regulations shall be applicable to the uses of all town-owned recreational facilities: ~~Veterans Memorial Park~~:
 - (1) The facilities shall be open from one-half hour before sunrise to 10:00 p.m. each day, provided such hours of operation may be modified by the town manager, his designee, or the director of public works from time to time. Hours of operation shall be conspicuously posted. Entering onto the facility between the hours of 10:00 p.m. and one-half hour before sunrise except ~~by boat~~ during the course of a bona fide emergency shall constitute a criminal trespass.
 - (2) No person shall take a drink of an alcoholic beverage as defined under Code of Virginia, § 4.1-100 et seq. or tender a drink thereof to another, at any such public facility, except as may be expressly permitted under Code of Virginia, title. 4.1.
 - (3) No person shall possess any opened container of alcoholic beverage, as defined in subsection (a)(2) of this section, at any such public facility, except as may be expressly permitted under Code of Virginia, tit. 4.1.
 - (4) Except as otherwise provided by law and giving due consideration to the present and proposed uses of the public facility, no person shall take a drink of or consume any

alcoholic beverage, as defined in subsection (a)(2) of this section, or tender a drink thereof to another or possess any opened container of an alcoholic beverage at such public facility.

- (5) Violation of subsections (a)(2), (3) and (4) of this section shall constitute a class 4 misdemeanor.
- (6) No person shall, with the intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, while at such public facility, engage in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed; provided, however, such conduct shall not be deemed to include the utterance or display of any words or to include conduct otherwise made punishable under this article.
- (7) No open fires or burning shall be permitted at any time except for the purpose of the preparation of food and in cooking grills situated at the facility or provided by such persons. This subsection shall not prohibit the smoking of tobacco products except as may be required by state law.
- (8) No person shall destroy, deface or injure any part of such property, real or personal, or otherwise throw or discard or cause to be thrown or discarded on such property or any part thereof any paper, bottle, can, fruit or vegetable peeling, glass, rag or any other refuse or waste, except in a receptacle provided for the disposal of refuse or waste.
- (9) No weapons or firearms of any kind are permitted.
- (10) No drugs are permitted.
- (11) No excessive noise, as provided by article II of chapter 22, shall be permitted.
- (12) No pets shall be permitted in the parks, **except in Donald J. Leonard Park and Phase I (paved section) of the Island Nature Trail.**
- (13) No fireworks or explosives are permitted unless a special permit is issued by the town.

(b) For the purpose of this subsection the word “group” shall additionally mean either a preplanned assemblage of ten or more persons engaging in one joint activity, or an informal assemblage of ten or more persons coming together and engaging in one joint activity. The following rules and regulations shall be applicable to the use of the facility by groups **for Veteran’s Memorial Park and the Robert N. Reed Downtown Park,** so as to ensure that the facility is reasonably accessible to all citizens and guests, no liability is incurred by the town or its agents and employees and the property is preserved and maintained for the benefit of future users:

- (1) Any such group or member thereof shall, prior to utilizing the facility, secure a written permit from the office of the town manager.
- (2) Such permit shall specify the area of the facility to be used by the group for its activity and the permitted hours, consistent with the planned activity, other groups desiring to use the facility or particular part thereof, and such other reasonable factors that the town manager or his designee may determine. The playground equipment cannot be exclusively reserved.

- (3) The permit shall be further executed by the group or a member thereof and shall provide that the group or person executing the permit shall be responsible for any and all damages to the facility committed by such group or any member thereof. The town manager or his designee may require either that such person or the group provides evidence of financial responsibility or appropriate liability insurance.
- (4) A copy of the permit shall be maintained in the town office and a copy delivered to the applicant, which shall be exhibited, upon request, to any member of the town manager's staff or any police officer.
- (5) The town manager shall, further, provide such group or person acting on behalf of the group a copy of the rules and regulations applicable to the facility. **The person scheduling the event is responsible for cleaning the Park at the conclusion of the event. If cleaning is not performed to the Town's satisfaction, the Town will clean the Park at the expense of the responsible party.**
- (6) The town manager shall, further, maintain a scheduling book in such a form as to show the particulars of each permit issued so as to not create unnecessary scheduling conflicts.
- (7) Permits shall be generally issued on a first come, first served basis.
- (c) The town manager, his designee, or any public officer who has probable cause to believe that any person is not utilizing the facility in accordance with this article shall have the right to terminate such person's use of the facility and to expel such person from the premises. Any person failing to leave when so instructed by any such person shall be guilty of a separate offense of trespass and punished as provided in this article.

The following only pertains to the Robert N. Reed Downtown Park

- (1) A user fee of \$50.00 shall be charged for each scheduled event with the exception of a community service event for which the fee may be waived at the discretion of the Town Manager. The income from user fees is a project program income and as such may only be utilized for Park purposes.**

(Code 1977, § 16-4; Ord. of 11-7-1991; Ord. of 7-6-1992 h, i, k(2))